

Richard Larry Self 30099-008

Name and Prisoner/Booking Number

FCI Englewood

Place of Confinement

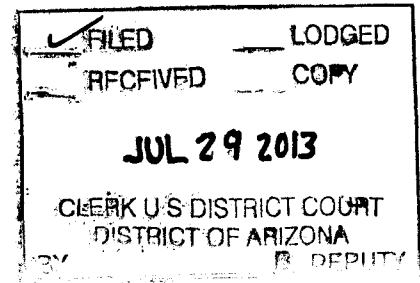
9595 W. Quency Ave.

Mailing Address

Littleton, CO. 80123

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

vs.

Richard Larry Self,(Full name of Movant. Include the name under  
which you were convicted.)

Defendant/Movant.

No. CR 10-8036-PCT-DGC

(Enter your criminal case number)

No. CV \_\_\_\_\_

(To be supplied by the Clerk)

**MOTION UNDER 28 U.S.C. § 2255  
TO VACATE, SET ASIDE OR  
CORRECT SENTENCE BY A  
PERSON IN FEDERAL CUSTODY**

1. (a) Name and location of court that entered the judgment of conviction you are challenging: United States District court for district of Arizona. Pheonix

(b) Criminal docket or case number: CR 10-8036-PCT-DGC

2. Date of judgment of conviction: November 19, 2010

3. In this case, were you convicted on more than one count or crime? Yes ☒ No ☐

4. Identify all counts and crimes for which you were convicted and sentenced in this case: Counts 1s - 3s 18 U.S.C 2252A(a) (1) and 2256  
Counts 4s - 6s 18 U.S.C 2252A(a) (5) (b) and 2256

5. Length of sentence for each count or crime for which you were convicted in this case: N/A

6. (a) What was your plea?

Not guilty ☒

Guilty ☐

Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or charge, and a not guilty plea to another count or charge, give details: N/A

(c) If you went to trial, what kind of trial did you have? (Check one) Jury ☒ Judge only ☐

7. Did you appeal from the judgment of conviction? Yes ☒ No ☐

If yes, answer the following:

(a) Date you filed: August 6, 2012

(b) Docket or case number: 11-10128

(c) Result: Conviction and sentence Affirmed

(d) Date of result: August 27, 2012

(e) Grounds raised: Denial of district court to suppress evidence and Challenge 135 month sentence

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

8. Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If yes, answer the following:

(a) Date you filed: N/A

(b) Docket or case number: N/A

(c) Result: N/A

(d) Date of result: N/A

(e) Grounds raised: N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

9. Other than the direct appeals listed above, have you filed any other petitions, applications or motions concerning this judgment of conviction in any court? Yes ☐ No ☒

If yes, answer the following:

(a) First petition, application or motion.

(1) Date you filed: N/A

(2) Name of court: N/A

(3) Nature of the proceeding: N/A

(4) Docket or case number: N/A

(5) Result: N/A

(6) Date of result: N/A

(7) Grounds raised: N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(b) Second petition, application or motion.

(1) Date you filed: N/A

- (2) Name of court: N/A
- (3) Nature of the proceeding: N/A
- (4) Docket or case number: N/A
- (5) Result: N/A
- (6) Date of result: N/A
- (7) Grounds raised: N/A
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Attach, if available, a copy of any brief filed on your behalf and a copy of the decision by the court.

(c) Did you appeal the action taken on your petition, application or motion?

(1) First petition: Yes ☐ No ☒

(2) Second petition: Yes ☐ No ☒

(d) If you did not appeal from the action your petition, application or motion, explain why you did not:

N/A

12. For this motion, beginning on the next page, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**CAUTION:** If you fail to set forth all the grounds in this motion, you may be barred from presenting additional grounds at a later date.

GROUND ONE: Ineffective assistance of counsel for not investigating the  
the search warrants not executed and executed

- (a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):  
Counsel failed to investigate the validity of the three search warrants  
of being void, the probable cause, and the validity of the execution  
of the warrants.

Continued on page 1 of memorandum

- (b) Did you present the issue raised in Ground One to the court of appeals? Yes ☐ No ☒

- (c) If you did not raise this issue in a direct appeal, explain why: Petitioners appeals attorney  
was to busy with others cases to properly investigate, and  
search the documents.

GROUND TWO: Ineffective assistance of counsel for allowing petitioner to be Indicted, tried, and convicted under the double jeopardy clause.

- (a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):  
Petitioner was indicted, tried, and convicted of the greater and the lessor of the same offense. Petitioner was indicted, tried and convicted of the same charge multiple times.

Continued on page 5 of memorandum

- (b) Did you present the issue raised in Ground Two to the court of appeals? Yes ☐ No ☒

- (c) If you did not raise this issue in a direct appeal, explain why: Petitioners appeals attorney was to busy with other cases to spend the time needed to properly search and investigate this case.

GROUND THREE: Ineffective assistance of counsel for not showing the  
prosecutor misconduct involved in this case.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

There were multiple counts of misconduct in this case.  
Multiplicious offenses, other acts evidence, not showing exculpatory  
evidence, and allowing misleading testimony and perjured testimony  
not following through with the fingerprint and DNA evidence that  
could have proven petitioner innocents.

Continued on page 7 of memorandum

(b) Did you present the issue raised in Ground Three to the court of appeals? Yes ☐ No ☒

(c) If you did not raise this issue in a direct appeal, explain why: Appeals attorney was to  
busy with current cases to search and investigate this case.

GROUND FOUR: Ineffective assistance of counsel for not properly objecting to other act/bad act evidence

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

Defense attorney allowed other act/bad act evidence to be admitted when it had nothing to do with the case at hand, or offenses as charged.

Continued on page 12 of memorandum

(b) Did you present the issue raised in Ground Four to the court of appeals? Yes ☐ No ☒

(c) If you did not raise this issue in a direct appeal, explain why: Appeals attorney was to loaded down with other cases to properly work on the petitioners case.



**GROUND FIVE:** Ineffective assistance of counsel for not investigating and introducing evidence in her possession

- (a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):  
Counsel failed to intrduce evidence that others lived in petitioners household and had access to petitioners AOL account and use of the computer. for failing to show out of the five computers seized only one was dirty.

Continued on page 13 of memorandum

- (b) Did you present the issue raised in Ground One to the court of appeals? Yes ☐ No ☒

- (c) If you did not raise this issue in a direct appeal, explain why: Petitioners appeal attorney had other big cases in trial, and in appeals court and by his own admission to the court he was just to busy to give petitioner a proper appeal.

**GROUND SIX:** Ineffictive assistance of counsel for failing to have a proper investigation done by probation department with regards to petitioner and his family. And to have his PSR properly corrected.

- (a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):  
Cousel refused to let probation officer interview petitioner and any member of his family or any of his friends.

Continued on page 17 of memorandum

- (b) Did you present the issue raised in Ground Two to the court of appeals? Yes ☐ No ☒

- (c) If you did not raise this issue in a direct appeal, explain why: Appeal attorney was to busy to work petitioners case.

**GROUND SEVEN:** Ineffective assistance of counsel for not admitting documented evidence by defense computer forensic expert.

- (a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):  
Counsel had evidenc showing someone else could have committed the crime and failed to present it to the court or the Jury.

Continued on page 18 of memorandum

- (b) Did you present the issue raised in Ground Three to the court of appeals? Yes ☐ No ☒
- (c) If you did not raise this issue in a direct appeal, explain why: Appeal attorney was way to busy with other cases at hand to justly submitt a proper appeal for the petitioner.

**GROUND EIGHT:** Ineffective assistance of counsel for not showing abuse of discretion of the court.

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

Court showed abuse of discretion when it fail to resolve the conflict between petitioner and counsel, for not substituting counsel, for allowing petitioner to be convicted of both the greater and lessor offenses.

Continued on page 22 of memorandum

(b) Did you present the issue raised in Ground Four to the court of appeals?

Yes ☐

No ☒

(c) If you did not raise this issue in a direct appeal, explain why:

**Please answer these additional questions about this motion:**

13. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☐ No ☒

If yes, give the date of filing, the name and location of the court, the docket or case number, the type of proceeding, and the issues raised: N/A

14. Do you have any future sentence to serve after you complete the sentence imposed by the judgment you are challenging? Yes ☐ No ☒

If yes, answer the following:

(a) Name and location of the court that imposed the sentence to be served in the future: N/A

(b) Date the sentence was imposed: N/A Feb 14, 2011

(c) Length of the sentence: N/A 2 years

(d) Have you filed, or do you plan to file, any motion, petition or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

15. TIMELINESS OF MOTION: If your judgment of conviction challenged in this motion became final more than one year ago, you must explain why the one-year statute of limitations in 28 U.S.C. § 2255 does not bar your motion.\* N/A

\*Section 2255 provides in part that:

A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of —

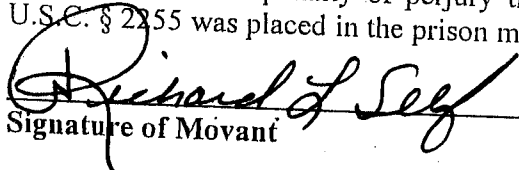
(1) the date on which the judgment of conviction becomes final;

- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

16. Movant asks that the Court grant the following relief: Case evidence be suppressed,  
conviction and sentence reversed and vacated or dismissed with  
prejudice.

or any other relief to which Movant may be entitled. (Money damages are not available in § 2255 cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on JULY, 24, 2013 (month, day, year).

  
Signature of Movant

\_\_\_\_\_  
Signature of attorney, if any

7-24-2013  
Date

Certificate of service:

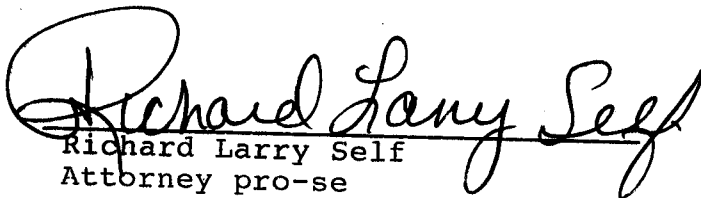
I hereby certify that a copy of the foregoing document was mailed  
this 24<sup>th</sup> July 2013.

to: U.S DISTRICT COURT CLERK

U.S. COURTHOUSE, SUITE 130

401 WEST WASHINGTON STREET, SPC 10

PHOENIX, ARIZONA 85003-2119

  
Richard Larry Self  
Attorney pro-se